

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JAMES FARRELL GAITANIS

PLAINTIFF

VS.

CIVIL ACTION NO. 2:19-cv-43-KS-MTP

SOUTHERN HEALTH PARTNERS, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
WITHOUT PREJUDICE MOTION FOR SUMMARY JUDGMENT [70]

THIS CAUSE IS BEFORE THE COURT on Report and Recommendation of Magistrate Judge Michael T. Parker [83]. The Court has reviewed the Report and Recommendation and facts of this case and finds that the Report and Recommendation should be adopted by this Court.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion for Summary Judgment [70] is DENIED WITHOUT PREJUDICE to the Defendant's right to seek summary judgment following the *Spears* hearing and in accordance with the scheduling or omnibus order to be entered by the Court following the hearing.

SO ORDERED this the 23rd day of March, 2020.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE